

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRANDON DANTE BARNES,	)	
	)	
Plaintiff,	)	3:19-cv-202
	)	
v.	)	District Judge Stephanie L. Haines
	)	Magistrate Judge Christopher B. Brown
	)	
CO KYLE MEDVA, SARGEANT	)	
POBORSKY, C/O FISHER, C.O.	)	
GERBER, CO SWEITZER, SGT.	)	
BLYTHE, CO MURPHY, LT.	)	
LINDSEY, CO ROSE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff, Brandon Dante Barnes (“Barnes”), is a Pennsylvania prisoner who is housed at the State Correctional Institution at Rockview (“SCI Rockview”). He complains (ECF No. 146 Amended Complaint) of a violation of his Eighth Amendment rights for actions that took place while he was imprisoned at State Correctional Institution at Somerset (“SCI-Somerset”). More specifically, he asserts that the correctional officers (“Corrections Defendants”) used excessive force against him when he stepped out of the meal line. The Corrections Defendants claim no evidence supports Barnes’ claim of abuse. The case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court.

On June 4, 2024, Barnes filed a Motion for Summary Judgment (ECF No. 149). Corrections Defendants filed a notice to the Court that they would not seek summary judgment because it is their belief that are issues of material fact (ECF No. 150). Corrections Defendants

also filed a Response to the Motion for Summary Judgement (ECF No. 156).<sup>1</sup> Judge Brown issued his Report and Recommendation to the Court (ECF No. 162), finding that material issues of facts do indeed exist, and recommended that Barnes' Motion for Summary Judgment be denied. He stated that determinations of credibility are solely within the province of the factfinder – here, a jury...” ECF No. 162, p. 7. Thus, the Report and Recommendation states that the case cannot be decided on summary judgment and should proceed to the next stage in litigation. Judge Brown allowed Barnes until February 10, 2025, to file Objections. Barnes requested an extension of time to file Objections (ECF No. 163), which was granted (ECF No. 164). Barnes submitted Objections to the Report and Recommendation on February 13, 2025 (ECF No. 165).

In his Objections, Barnes lays out six different objections to the Report and Recommendation. Barnes' objections amount to an overly broad focus of summary judgment and a misunderstanding of the purpose of Objections to a Report and Recommendation. Objection #1 states that Judge Brown did not capture the facts accurately; Objection #2 states that Barnes successfully plead that he is entitled to relief; Objection #3 states that Judge Brown cannot rely on the investigation of the Corrections Defendants; Objection #4 states that Barnes' motion for summary judgment provided enough material facts to win summary judgment; Objection #5 objects to the semantics of the “he said, she said” language used in the Report and Recommendation; Objection #6 Barnes misunderstands that the conclusion of the Report and Recommendation is that the case was recommended to move forward. Overall, Barnes seeks clarity in understanding Judge Brown's conclusions.<sup>2</sup>

---

<sup>1</sup> Corrections Defendants moved to strike the Motion for Summary Judgment for lack of proper pleading. Barnes corrected the errors (ECF Nos. 159, 160, 161).

<sup>2</sup> The Court's Order granting Barnes' Motion for an Extension, attempted to explain the outcome of the Report and Recommendation. ECF No. 164, p. 1. It is believed that the Order and Barnes' Objections crossed in the mail.

This Court reiterates that the standard of law in considering summary judgment is whether there are issues of material fact which need to be decided by a jury. In this case, it needs to be determined whether the force used on Barnes, under the circumstances, was excessive. This is not a determination that the Court can make on facts provided in summary judgment.<sup>3</sup>

Accordingly, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

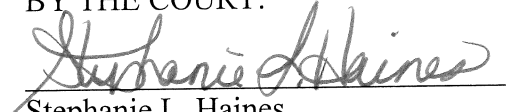
AND NOW, this 14<sup>th</sup> day of February, 2025,

IT IS HEREBY ORDERED that Plaintiff Barnes' Motion for Summary Judgment (ECF No. 149) is DENIED;

IT IS FURTHER ORDERED that Plaintiff Barnes' Objections are overruled (ECF No. 165), and the Report and Recommendation (ECF No. 162), filed by the Magistrate Judge on January 21, 2025, is adopted as the Opinion of the Court;

The Case is returned to the jurisdiction of Magistrate Judge Brown.

BY THE COURT:

  
Stephanie L. Haines  
United States District Judge

cc: All Registered ECF Counsel and  
Brandon Dante Barnes  
JZ 4781  
SCI Rockview  
Box A  
1 Rockview Place  
Bellefonte, PA 16823  
PRO SE

---

<sup>3</sup> See discussion in Report and Recommendation at ECF No. 162, p. 3 and p. 6, fn2.